

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIM GREEN,

Plaintiff,

vs.

No. _____

SANDIA NATIONAL LABORATORIES,

Defendant.

**NOTICE OF REMOVAL OF ACTION BY DEFENDANT
SANDIA CORPORATION PURSUANT TO 28 U.S.C. SECTIONS
1331, 1441, 1443 AND 1446**

COMES NOW Defendant Sandia Corporation, by and through counsel of record, Kennedy, Moulton & Wells, P.C., by Deborah D. Wells, and removes the above captioned matter, filed in the Second Judicial District Court, County of Bernalillo, State of New Mexico, CV 2007 11144, to the United States District Court for the District of New Mexico on the following grounds:

1. On December 20, 2007, Plaintiff filed his Complaint For Damages, Plaintiff's Certification Regarding Arbitration Under Local Rule 2-063 and Jury Request. The Complaint and Summons were served on defendant Sandia Corporation on January 4, 2008. True and correct copies of the above are attached hereto as Exhibits A, B, C and D, respectively.

2. In his Complaint, Plaintiff expressly alleges that Defendant violated his right to freedom from racial discrimination. Specifically, he alleges that pursuant to 42 U.S.C. § 1981, that defendant failed to promote plaintiff due to his race. Plaintiff further expressly alleges that defendant violated his rights to equal protection under the law pursuant to 42 U.S.C. § 1983 by said failure to promote.

3. Given Plaintiff's express federal claims against defendant Sandia Corporation, this case may be removed to this Court by defendant pursuant to the provisions of 28 U.S.C. § 1441, 1443 and 1446.

4. Less than thirty (30) days have passed since defendant received a copy of the initial pleadings in this matter. This Notice of Removal, therefore, is timely filed pursuant to 28 U.S.C. § 1446(b).

5. Written notice of the filing of this Notice of Removal will be served on plaintiff promptly after it is filed.

6. A Notice of Filing Notice of Removal of Action, along with a true and correct copy of this Notice of Removal of Action, (attached hereto as Exhibit E) will be filed with the Clerk of the Second Judicial District Court, County of Bernalillo, State of New Mexico, promptly after the filing of this Notice of Removal.

7. Venue is proper in this Court.

Respectfully Submitted,

KENNEDY, MOULTON & WELLS, P.C.

By: /s/ Deborah D. Wells

DEBORAH D. WELLS

Attorneys for defendant Sandia Corporation

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Albuquerque, New Mexico 87110-4133

(505) 884-7887

I HEREBY CERTIFY that a true
and correct copy of the
foregoing was mailed to:

Christopher Orton, Esq.
118 Wellesley Dr. SE
Albuquerque, NM 87106

on this 23rd day of January, 2008.

/s/ Deborah D. Wells
DEBORAH D. WELLS